

PATENT  
Practitioner's  
SEP 25 2006  
1062/D43

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Altobelli et al. Att'y Docket: 1062/D43  
Serial No: 10/670,641 Conf. No. 6821  
Date Filed: September 25, 2003 Art Unit: 3743  
Customer No.: 02101 Examiner: Lopez, A. S.  
Invention: Valve System and Method for Aerosol Delivery

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, Samuel J. Petuchowski, represent that I am the attorney of record.

Accompanying documents for this application is an amendment and a Supplemental Information Disclosure Statement.

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.10\***

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

09/26/2006 GWORDOF1 00000019 10670641

01 FC:1814 130.00 OP

  
Signature

Date: September 20, 2006

Samuel J. Petuchowski  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**DISCLAIMER**  
**(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/670,924, filed on September 25, 2003, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/670,924, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

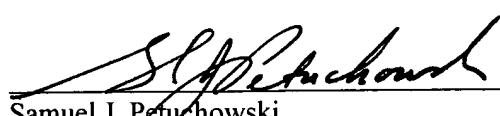
**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Other than a small entity--fee \$130.00.

**FEE PAYMENT**

Attached is a check in the amount of \$130.00.

Date: September 20, 2006

  
\_\_\_\_\_  
Samuel J. Petuchowski  
Registration No. 37,910  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
U.S.  
617-443-9292  
Customer No. 002101

01062/00D43 543923.1